

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**RICEVUTO**

11 NOV 2004

**Ing. F. DALLAGLIO**

**PCT**

To:

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NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

10.11.2004

Applicant's or agent's file reference  
S0012PCTWO1

## IMPORTANT NOTIFICATION

International application No.  
PCT/EP 03/09389

International filing date (day/month/year)  
25.08.2003

Priority date (day/month/year)  
27.08.2002

Applicant  
SIG SIMONAZZI S.P.A.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international  
preliminary examining authority:



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# PATENT COOPERATION TREATY



## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference S0012PCTWO1	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/09389	International filing date (day/month/year) 25.08.2003	Priority date (day/month/year) 27.08.2002
International Patent Classification (IPC) or both national classification and IPC B65C3/06		
Applicant SIG SIMONAZZI S.P.A.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of 1 sheets.

- This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  13.02.2004	Date of completion of this report  10.11.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Wartenhorst, F  Telephone No. +31 70 340-3641  

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 03/09389

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

### Description, Pages

2-12 as originally filed

### Claims, Numbers

2 (part), 3-9 as originally filed

1, 2 (part) received on 16.09.2004 with letter of 13.09.2004

### Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1 Reference is made to the following documents:

D1: US-A-4 199 851 (DOHERTY THOMAS E) 29 April 1980 (1980-04-29)

D2: US-A-4 286 421 (FUJIO MASAOKI) 1 September 1981 (1981-09-01)

The document D2 was not cited in the international search report.

2 INDEPENDENT CLAIMS 1, 5

2.1 The document D2 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document): A method and machine for forming tubular labels (column 4, lines 6-41) made of heat shrinkable film (column 1, lines 13-17) and adhering them on bottles comprising the step of transferring the bottle into the formed tubular label (column 4, lines 42, 43).

2.2 The subject-matter of claim 1 differs from this known method in that the transfer of bottles is provided by a downward movement of the bottles into the tubular labels.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2.3 The problem to be solved by the present invention may be regarded as providing an alternative process requiring less mechanical parts and invariable for bottles with different heights.

2.4 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The downward movement of the bottle into the tubular label results in a process for forming the label and adhering it on the bottle irrespective of the bottle's height and different from D2.

Document D1 discloses a rather similar label forming and adhering process but differs from the subject-matter in that the tubular label is transferred over the bottle, i.e. an inverse transfer movement. This results in the fact that the thin plastic tubular label is subjected to displacement and related acceleration forces instead of the bottles and hence, involves different problems related to a different

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label forming and adhering process.

2.5 A similar reasoning applies to the subject-matter of independent claim 5.

**3 DEPENDENT CLAIMS 2-4, 6-9**

Claims 2-4, 6-9 are dependent on claim 1 and 5 respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

EPO - DG 1

16 FEB 2004

(77)

## C L A I M S

1. Process for forming tubular labels made of heat shrinkable films and adhering them on bottles or containers, characterized by the fact that it provides the <sup>TRANSFERS</sup> ~~insertion~~ of the bottles or containers into the formed tubular labels by the fact that it provides the transfers of the bottles or containers into the formed tubular labels \*

2. Process for forming tubular labels made of heat shrinkable films according to claim 1, comprising: the steps of unwinding and cutting a heat shrinkable film from a reel for obtaining precut labels having a length slightly longer than the cross-section perimeter of the bottle; the step of transferring the precut label by a drum provided with areas for drawing the precut label, characterized by the fact it comprises the additional steps of:

- winding the precut label on a rotating tubular-shaped plate supporting the container or bottle to be labelled;

- sealing both vertical overlapped ends of the precut label in a predetermined position for obtaining a tubular label, said sealing step comprising heat sealing or adhesives;

- removing the label from the tubular plate and transferring the plate and the container on it in order to insert the latter into the tubular label in

\* by a down movement of said bottles or containers into the sleeve.